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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,570	12/29/2000	Richard Moore JR.	MOT-D2483	9817
24375	7590	07/12/2005	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. MOT UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/752,570	<b>Applicant(s)</b> MOORE ET AL.	
	<b>Examiner</b> Ricardo Pizarro	<b>Art Unit</b> 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 11, 14-15 is/are rejected.  
7) ☒ Claim(s) 2-10 and 12-13 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,526,581 (Edson) in view of US patent No. 6,762,690 (Diehl)

Regarding claims 1 and 14, 15, Edson discloses a Multi-service in-home network comprising: an arrangement for providing a communication interface between a hybrid fiber coaxial network (one of the connection that can be used is HFC, col 6 line 36) the arrangement comprising a home networking gateway (Home Gateway 13 in Fig. 1) disposed to communicate with the HFC network and couple communications to the in-home network (col 7 lines 16-17), the home networking gateway including a translator for mapping between HFC-based communication protocols and in-home network-based protocols (translator function performed by different interfaces within Gateway 13, col 10 lines 3-7) said home networking gateway for device discovery and performing network management of said in-home network (device specific application performs detection of all connected devices, col 11 lines 11-12, col 12 lines 21-27); a

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device database coupled to said home networking gateway and comprising configuration files associated with various in-home telecommunication devices ( col 9 lines 10-14)

Regarding claim 11, Edson discloses of providing network management for an in-home network of communication devices coupled to an external HFC network through a home networking gateway interface , comprising performing using the home gateway, a device discovery process to determine the plurality of devices and services existing the home network( col 12 lines 20-27), as in claim 11.

Edson did not specifically disclose a service level agreement, as in claims 1 and 15 , neither recognizing a service request and obtaining authorization , and providing service to the device , as in claim 11.

However Diehl discloses a Home Gateway including a service level agreement ( Fig, 5 and 6, Gateways 1 and 2, col 7 lines 65-67), as in claims 1 and 15; comprising recognizing a service request and obtaining authorization ( col 6 lines 50-54), and providing service to the device ( col 7 lines 3-4), as in claim 11.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the SLA method as disclosed by Diehl to the Edson system and after discovery of devices the network would have to update itself in order to have the capability of providing services as needed, in order to have a network capable of identifying a particular type of devices and accurately and completely identify the physical connectivity of devices in the network.

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The motivation to do so is to allot a priority to a specific processing unit in the home network.

### ***Conclusion***

3. Applicant's arguments filed on 12/24/04 are moot in view on the new art rejection.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 272-3126

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

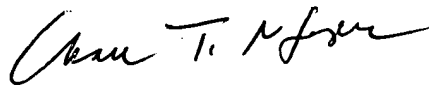
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM. .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 8, 2005  
Ricardo Pizarro



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600